

Town of Cambria  
Zoning Board Meeting  
September 14, 2020

A Special meeting of the Zoning Board of the Town of Cambria was called to order by Peter Smith, Chairman, at 7:00 P.M. He welcomed everyone to the meeting followed by the Pledge to the Flag.

Members Present: Peter Smith, Chairman ✓  
Alan Johnson, ✓  
Harmony Retzlaff-Hurtgam ✓  
Thomas Andrews ✓

Members Absent: Bradley Rowles  
Cheryl Shoop

Also present: James McCann, Building Inspector  
Gary Billingsley, Attorney  
Randy Roberts, Councilman, Town Board Liaison Planning Board

Attorney apologized to Board regarding necessity of tonight's meeting, noting that there had been a defect in the Notice of Public Hearing he had prepared that had been published and posted for the August 24, 2020 meeting. An incorrect access code had been included for those wishing to participate by teleconference. Tonight's meeting is being conducted without teleconferencing with interested parties participating in person with appropriate Covid 19 safety precautions.

Attorney read the Notice of Public Hearing for the following applications:

(Z-SP-2020-001) NATHAN LEARY of 5210A Cambria Road, Sanborn, NY 14132 to permit applicant to maintain a home occupation by Special Permit to permit applicant to conduct federal firearm transfer paperwork, transfers of firearms and related background checks in an existing residence upon said premises pursuant to the Special Permit Ordinance of the Town of Cambria.

(Z-SP-2020-004) STEVEN MANGOLD of 4870 Upper Mountain Road, Lockport, NY 14094 for a Special Permit to permit applicant to construct a pond for recreational purposes containing a surface area of approximately .5 acres upon premises commonly known as 4825 Upper Mountain Road approximately 660 feet from the road right-of-way, approximately 210 feet from the east and west side lot lines, and approximately 210 feet from the north rear lot line pursuant to the Special Permit Ordinance of the Town of Cambria.

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(ZB-AV-2020-004) ANDREW HYNES of 3272 Southway Drive, Sanborn, NY 14132 for an area variance to construct a one story addition to his residence for a family room and a garage approximately 10.6 feet from the west side lot line, whereas the Zoning Ordinance of the Town of Cambria does not permit such an addition to be located closer to a side lot line than 15 feet.

(ZB-AV-202-005) CORY CLARK and SARAH CLARK of 5204 Subbera Road, Lockport, NY 14094 to permit applicants to maintain a shed with dimensions of approximately 10 feet by 12 feet approximately 15 feet from the road right-of-way on Upper Mountain Road, whereas the Zoning Ordinance of the Town of Cambria does not permit such a structure to be maintained closer to the road right-of-way than 60 feet.

New Business  
Special Permit  
Z-SP-2020-001

Nathan Leary  
5210A Cambria Road, Sanborn, NY 14132  
To Conduct Federal Firearm Transfer Paperwork

NATHAN LEARY appeared before Board to request a Special Permit as per the above Notice of Public Hearing.

Public Hearing-Open  
No Comments  
Public Hearing-Closed

Mr. Johnson confirmed with Mr. Leary that conditions of a similar Special Permit previously granted to Gerardo Buzzeo were acceptable to him.

A Motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Johnson, the motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

A Motion to grant the Special Permit to Nathan Leary upon the same conditions as the Gerardo Buzzeo Special Permit was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

New Business	Steven Mangold
Special Permit	4870 Upper Mountain Road, Lockport, NY 14094
Z-SP-2020-004	To construct a pond for recreational purposes upon premises commonly known as 4825 Upper Mountain Road

Mr. Mangold confirmed his request to construct a pond as per the above Notice of Public Hearing. A letter from Niagara County Soil and Water dated May 5, 2020 has been provided.

Public Hearing-Open  
No Comments  
Public Hearing Closed

Mr. Billingsley confirmed that the Town Planning Board has recommended approval subject to input from the public at the Public Hearing. He further noted that applicant was agreeable to installing a fence during construction, and not to remove any fill from premises.

A Motion for a Negative Declaration under SEQRA was made by Mr. Andrews and seconded by Mr. Johnson, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

A motion was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam to grant a Special Permit to Mr. Mangold to construct a .5 acre recreational pond upon premises commonly known as 4825 Upper Mountain Road as per letter from Niagara County Soil and Water dated May 5, 2020, with no fill to be removed from premises, and that by agreement of the applicant, a fence shall be in place in the excavated area during construction of the pond, said permit being granted upon a finding that construction of said pond will not result in environmental damage, and that

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construction of said pond will not adversely affect drainage, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

New Business  
Area Variance  
ZB-AV-2020-004

Andrew Hynes  
3272 Southway Drive Sanborn, NY 14132  
To construct an addition within 10.6 feet of a side lot line

Attorney confirmed that Mr. Hynes attempted to call in to the Board at the August 24, 2020 Meeting. Applicant confirmed his request for an area variance as per the above Notice of Public Hearing.

Public Hearing-Open  
No Comments  
Public Hearing-Closed

Applicant showed the board pictures of the proposed addition.

A Motion was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Andrews to grant an area variance to Andrew Hynes to permit applicant to construct an addition to premises at 3272 Southway Drive within approximately 10.6 feet of his west side lot line, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed

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New Business  
Area Variance  
ZB-AV-2020-005

Cory Clark and Sarah Clark  
5204 Subbera Road, Lockport, NY 14094  
Area Variance to maintain a shed containing dimensions of  
10 feet by 12 feet approximately 15 feet from the road  
right-of-way on Upper Mountain Road

Mr. Clark confirmed that the dimensions of the shed were 10 feet by 12 feet. He stated that the Amish had constructed the shed with the understanding that it would be located inside a fence in the backyard on his premises. Issues arose placing it inside the fence when it was delivered to premises, and it was instead placed next to his driveway in its current location.

Public Hearing-Open  
No Comments  
Public Hearing-Closed

Mr. Andrews asked Mr. Clark if he still wished to place it in his backyard. Mr. Clark stated he preferred the current location, which he stated was 35 feet from the edge of the road.

Mr. McCann stated that the problem was that premises are a corner lot, and setbacks from both roads must be at least 60 feet from the road right-of-way. Attorney confirmed that Mr. McCann had given applicants additional time to resolve the issue due to Covid 19 concerns and that the applicants had a newborn child. Attorney raised possibility of giving applicants some additional time to see if they could remedy situation by contacting the Amish to see if the shed could be moved inside the fence. Applicant stated that when the shed was delivered, it was determined that it could not be placed inside the fence at that time without damaging the fence. Attorney confirmed that the requested relief was substantial, and recommended that the application be tabled to determine whether applicants could make arrangements to relocate the shed inside the fence. Mr. Johnson asked if Mr. Clark had made any further efforts to move the shed since it was dropped off. Mr. Clark stated no based upon Covid 19 and other related issues.

A Motion was made by Mr. Andrews and seconded by Mr. Johnson to table the matter for 2 months, the motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

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Nathan Leary – Application for a Special Permit previously considered by this Board earlier this evening. Attorney confirmed that Mr. McCann had been able to locate paperwork on the conditions of the Gerardo Buzzeo Special Permit. Attorney recommended that Motion previously made earlier this evening be modified to incorporate the following conditions which had been included in Mr. Buzzeo’s Special Permit which had been reviewed by applicant and were acceptable to him. The Attorney read the conditions of the Buzzeo Special Permit as follows: Applicant shall obtain any and all necessary federal, state and local approvals to conduct said paperwork, transfers and background checks, including approval from the Bureau of Alcohol, Tobacco and Firearms, as well as a New York State dealer’s License; Applicant shall be permitted to conduct said paperwork, transfers and background checks for “long guns” based upon the approvals for which he is currently able to applications for; Applicant shall be permitted to conduct said paperwork, transfers and background checks for “pistols” at such time as he is able to apply for and obtain all required approvals to conduct said paperwork, transfers and background checks required to transfer “pistols;” Applicant shall safely store any firearms which are temporarily maintained on his premises as a result of transfers hereunder in a gun safe separate from any gun safe containing firearms owned by Applicant; this Special Permit shall be for a period of one (1) year and may be renewed without further public hearing; and in all other respects, Applicant shall abide by the Zoning Ordinance of the Town of Cambria.

A Motion was made by Mr. Johnson and seconded by Ms. Retzlaff-Hurtgam to modify this evening’s earlier motion and to grant a Special Permit to Nathan Leary to conduct federal firearm transfer paperwork, transfers of firearms and related background checks at his residence at 5210A Cambria Road subject to the conditions read by the attorney above, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed

Mr. Johnson noted that Mr. Leary will need to obtain a New York State Sales Tax Number.

Jeffrey Ventry had appeared at the August 24, 2020 Meeting of this Board to request renewal of his Special Permit for a Heating and Air Conditioning business at 5155 Townline Road, Sanborn, NY 14132. Attorney advised Board that in lieu of a personal appearance, Mr. Ventry had requested in writing that this Board renew his Special Permit this evening. Mr. McCann had indicated to the Board at the August 24, 2020 meeting that he was not aware of any issues or complaints concerning Mr. Ventry’s business.

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A Motion was made by Mr. Johnson and seconded by Mr. Andrews to renew Mr. Ventry's Special Permit for a period of five (5) years, the Motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

The Motion was thereupon passed.

The Attorney confirmed that the next meeting of this Board will be September 28, 2020 at 7:00 p.m. He also confirmed that all Board members had received a package from Tyler Booth.

#### Reports

Building Inspector – Nothing at this time

Randy Roberts – Nothing at this time

Attorney – Nothing at this time

Board Members – Nothing at this time

A motion to adjourn the meeting at 7:45 p.m. was made by Ms. Retzlaff-Hurtgam and seconded by Mr. Johnson, the motion was put to a roll call, which resulted as follows:

Mr. Andrews voting aye  
Mr. Smith voting aye  
Mr. Johnson voting aye  
Ms. Retzlaff-Hurtgam voting aye

Meeting adjourned.

Respectfully submitted by Gary Billingsley